IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2121 of 2007()

PETITIONER/ACCUSED

JAYAPRAKASH, S/O.THULASI,
ARISSERIL VEEDU, PAYAPPAR, LALAM VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
PALA POLICE STATION- THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.JOI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

B.A. NO. 2121 OF 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No.169 of 2007, Pala Police Station. The offence alleged against him is under Section 8(i) and 8(ii) of the Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial Magistrate of the First Class, Pala, but the same was dismissed by the order dated 22.3.2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned counsel for the petitioner that the petitioner is in judicial custody since 18.3.2007 and

that the petitioner was not involved in any other offence of a similar nature. Learned Public Prosecutor submits that there is no other case of a similar nature in which the petitioner is involved. The prosecution case is that the petitioner was found in possession of 30 litres of arrack.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs.35,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class, Pala.

(K.T.SANKARAN)
Judge

ahz/